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**FRANK MOTION
BEFORE**

**JUDGE HILL NEXT
FRIDAY**

Affidavits From Trial
Judge

L. S. Roan
Expected to

Play Big Part

It is Generally believed that the last postponement of the Motion to set aside the verdict of guilty against Leo M. Frank has been allowed, and that the case will actually come up for a hearing before Judge Ben H. Hill on next Friday.

When the Motion, which asks that the verdict be set aside on the ground that the defendant was not in Court when it was rendered, was first filed, it was Generally believed the fight would be only on the law in the case.

Now it is apparent the fight on the facts involved will be just as hot as the fight over the legal points.

On Saturday, the state secured an Affidavit from Judge L. S. Roan, the Trial judge, now a member of the Court of Appeals. The Attorneys for the Movants had already secured an Affidavit from him.

The reason assigned for Frank's not being present at the rendition of the verdict was the fear of violence from the crowds, which gathered in and around the Court House during the Trial.

Solicitor General Dorsey is preparing to contend that the situation was not really critical, and that the fear of violence was largely manufactured.

The Solicitor is collecting a large number of Affidavits, and by some of them he will try to show Frank knew that the verdict was to be rendered in his absence and that he passively, if not actually, agreed to the waiver of his presence.

The Motion contends that while two of Frank's Counsel did waive his presence that Frank was in ignorance of the fact that the verdict was about to be returned until about an hour after the jury had found him guilty.

While the two leading Counsels for Frank at the Trial, L. Z. Rosser and Reuben R. Arnold, do not appear except as probable witnesses in this phase of the case, the fight on the Motion to set aside promises to be just as hot as the fight on the other Motions.

The Motion to set aside is the one filed by Attorneys Tye, Peeples, Haas, Alexander, and others.
